

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION

RYAN SLOWIK and VALERIE SLOWIK,	)	
	)	
Plaintiffs,	)	3:19-CV-00501-DCLC
	)	
vs.	)	
	)	
KEITH LAMBERT and SHELLI	)	
LAMBERT,	)	
	)	
Defendants	)	

**ORDER**

Plaintiffs Ryan Slowik and Valerie Slowik (“Plaintiffs”) have filed two Motions for Leave to File Surreply [Docs. 25, 27], seeking to file sur-replies to the respective Motions to Dismiss filed by Defendants Keith Lambert and Shelli Lambert (“Defendants”) [Docs. 15, 17]. Defendants have responded in opposition to both motions [Docs. 26, 28].

In their motions, Plaintiffs argue sur-replies are needed “to address the new arguments, new motions, and evidence” in Defendants’ replies [Doc. 25, pg. 1; Doc. 27, pg. 1]. They state Defendants, in their replies, submitted an investigation report for the first time and moved for this Court to strike certain allegations from the Complaint [Doc. 25, pg. 1-2; Doc. 27, pg. 1-2]. In addition, Plaintiffs wish to submit supplemental authority to clarify issues of law they believe Defendants have mischaracterized [Doc. 25, pg. 2; Doc. 27, pg. 2]. Defendants first respond that sur-replies should not be permitted because the investigation report was referenced in Plaintiffs’ First Amended Complaint, and extrinsic documents may be considered in a Rule 12(b)(6) motion if they are referred to in the complaint and are central to a claim [Doc. 26, pg. 2-3; Doc. 28,

pg. 2-3]. Next, Defendants state they moved to strike certain allegations in Plaintiffs' First Amended Complaint in their replies due to statements made by Plaintiffs in their responses to Defendants' motions to dismiss [Doc. 26, pg. 4; Doc. 28, pg. 4]. Finally, Defendants argue Plaintiffs should not be permitted to provide supplemental authority, because the Court can determine what law applies [Doc. 26, pg. 4; Doc. 28, pg. 4]. Defendants therefore ask this Court to deny Plaintiffs' motions.

Because Defendants included new evidence and arguments in their replies that were not included in their motions, the Court finds Plaintiffs' motions [Docs. 25, 27] are well-taken and are therefore **GRANTED**. Plaintiffs shall file their sur-replies within **seven (7) days** of this order.

SO ORDERED:

s/ Clifton L. Corker  
United States District Judge